



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,339	04/09/2001	David Y. Chan	0267-1430 (41912.018500)	1353

7590 03/04/2005  
GREENBERG TRAURIG, LLP  
885 Third Avenue -- 21st Floor  
New York, NY 10022

EXAMINER

KITOV, ZEEV

ART UNIT	PAPER NUMBER
----------	--------------

2836

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Allowability

Application No.

09/829,339

Examiner

Zeev Kitov

Applicant(s)

CHAN ET AL.

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/24/04.
2. ☒ The allowed claim(s) is/are 1 - 3, 7, 21 - 28, 30 - 33.
3. ☒ The drawings filed on 11 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other PTO 271, Amendment.

**Supplemental Action**

***Supplemental Amendment***

Please enter attached Amendment.

***IDS***

**Information Disclosure Statement Not Considered**

The information disclosure statement filed on December 26, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because submitted Certification Statement is contradicted by the facts. The Attorney for Applicant, Mr. Paul Sutton, is the same person, who signed other Applications for Leviton Company (recited on pages 2 – 3 of IDS Request, total of 34 items) and is the person identified in MPEP 1.56(c) as “attorney or agent who prepares or prosecutes the application”. Therefore the Attorney should had actual knowledge about the existence of cited references for more than three months prior filing a current IDS Request. Therefore the 1.97e(2) certification is not accepted.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

Applicant is advised that the date of any resubmission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all requirements for


Application/Control Number: 09/829,339  
Art Unit: 2836

Page 3

statements under 37 CFR 1.97(e). See MPEP § 609 subsection III, C(1).

03/01/2005

Z.K.



BRIAN SIRCUS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2836